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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,695	04/18/2005	Phillip Aaron Junkersfeld	PU020442	3900

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EXAMINER
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TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,695	<b>Applicant(s)</b> JUNKERSFELD ET AL.	
	<b>Examiner</b> Trang U. Tran	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date <u>4/18/2005</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffiths (US Patent No. 6,262,776 B1).

In considering claim 1, Griffiths discloses all the claimed subject matter, note 1) the claimed a component that determines an initial audio input buffer level is met by the level of the audio buffer 212 at the start time or “due” time (Fig. 2, col. 12, lines 11-40), 2) the claimed a component that determines an amount of drift in the initial audio input buffer level and adjusts the clocks to maintain the initial audio input buffer level if the amount of drift reaches a first predetermined threshold is met by the receipt of the low buffer condition message and after the current frame of video data 202 was played, the video rendered waits for a predefined period of time depending on how low the audio buffer 212 currently is, to fill more audio data 200 (Figs. 1 and 2, col. 15, lines 29-67), and 3) the claimed a component that measures a displacement of a video signal associated with the audio signal in response to the adjusting of the clocks and operates to negate the measured displacement of the video signal if the measured displacement reaches a second predetermined threshold is met by the video decoder filter 216 which is able to make such decisions (i.e., drop the frame or decode the frame) based upon

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messages or signals, preferably called quality messages, being sent from the video renderer filter 218 “downstream” of the video decoder 216, essentially, the video renderer filter 218 asynchronously notifies the video decoder filter 216 of how late the last frame was played and the video renderer filter 218 also helps to maintain synchronization with the played audio data 200 by adjusting the start or due time of the frame of video data 202 by a particular offset time (Fig.1 and 2, col. 12, line 28 to col. 13, line 60 and col. 16, lines 1-37).

In considering claim 2, the claimed wherein the initial audio input buffer level is stored in a memory is met by the audio buffer 212 (Figs. 1 and 2, col. 15, lines 29-67).

In considering claim 3, the claimed wherein a clock recovery control is disabled if the amount of drift reaches the first predetermined threshold is met by the slow video processing when the audio buffer level 212 is low and stop reading the audio data from the audio buffer level 212 (Figs. 1 and 2, col. 3, lines 52-67 and col. 15, lines 29-67).

In considering claim 4, the claimed wherein the audio signal and the video signal comprise a Motion Picture Experts Group (MPEG) signal is met by the MPEG signal (col. 10, lines 24-58).

In considering claim 5, the claimed wherein the component that measures the displacement of the video signal associated with the audio signal operates to negate the measured displacement of the video signal by re-initializing the measurement of the initial audio input buffer level is met by the receipt of the low buffer condition message and after the current frame of video data 202 was played, the video rendered waits for a

predefined period of time depending on how low the audio buffer 212 currently is, to fill more audio data 200 (Figs. 1 and 2, col. 15, lines 29-67).

In considering claim 6, the claimed wherein the component that measures the displacement of the video signal associated with the audio signal operates to negate the measured displacement of the video signal by dropping a frame of the video signal is met by the video decoder filter 216 which is able to make such decisions (i.e., drop the frame or decode the frame) based upon messages or signals, preferably called quality messages, being sent from the video renderer filter 218 "downstream" of the video decoder 216, essentially, the video renderer filter 218 asynchronously notifies the video decoder filter 216 of how late the last frame was played to maintain synchronization with the played audio data 200 e(Fig.1 and 2, col. 12, line 28 to col. 13, line 60 and col. 16, lines 1-37).

Claim 11 is rejected for the same reason as discussed in claim 1 above.

Claims 12-14 are rejected for the same reason as discussed in claims 4-6, respectively.

Claims 15-17 are rejected for the same reason as discussed in claims 1-3, respectively.

Claims 18-19 are rejected for the same reason as discussed in claims 5-6, respectively.

In considering claim 20, the claimed wherein the recited acts are performed in the recited order is met by Fig. 10, col. 16, line 38 to col. 21, line 43.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths (US Patent No. 6,262,776 B1).

In considering claim 7, Griffiths discloses all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein the first predetermined threshold is about +/- 10 ms. The capability of using the first predetermined threshold is about +/- 10 ms is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known using of the first predetermined threshold is about +/- 10 ms into Griffiths's system since it merely amount selecting available predetermined threshold values.

In considering claim 8, Griffiths discloses all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein the second predetermined threshold is about +/- 25 ms. The capability of using the second predetermined threshold is about +/- 25 ms is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known using of the second

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predetermined threshold is about +/- 25 ms into Griffiths's system since it merely amount selecting available predetermined threshold values.

In considering claim 9, Griffiths discloses all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein the system comprises a portion of a television set. The capability of using the system comprises a portion of a television set is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known using of the system comprises a portion of a television set into Griffiths's system since it merely amount selecting available television devices.

In considering claim 10, Griffiths discloses all the limitations of the instant invention as discussed in claims 1 and 9 above, except for providing the claimed wherein the television set comprises a High Definition Television (HDTV) set. The capability of using the television set comprises a High Definition Television (HDTV) set is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known using of the television set comprises a High Definition Television (HDTV) set into Griffiths's system since it merely amount selecting available television devices.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lundblad et al. (US Patent No. 6,906,755 B2) disclose method and apparatus for synchronizing audio and video data.

Sackstein et al. (US Patent No. 6,744,815 B1) disclose method for synchronizing audio and video streams.

Trinh et al. (US Patent No. 6,654,956 B1) disclose method, apparatus and computer program product for synchronizing presentation of digital video data with serving of digital video data.

Tan et al. (US Patent No. 5,959,684) disclose method and apparatus for audio-video synchronizing.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT  
June 20, 2006



Trang U. Tran  
Examiner  
Art Unit 2622